White House Task Force on Recycling

Green Purchasing

Green Purchasing

- Background
- Laws and regulations
- Special emphasis programs
- Examples

Green Purchasing Encompasses

- Recycled content products
- Environmentally preferable products including biobased products
- Energy efficient products

Mandates

- Resource Conservation and Recovery Act (RCRA), Section 6002
- 2002 Farm Bill, Section 9002
- EO 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition
- Federal Acquisition Regulation

Executive Order 13101

Greening the Government through Waste Prevention, Recycling, and Federal Acquisition

- Implements RCRA Section 6002
- Issued on 14 Sept 1998

Executive Order 13101 Provisions

- Creates a White House Steering Committee on Greening the Government Through Waste Prevention, Recycling and Federal Acquisition

- The Steering Committee is comprised of:
  - Chair of the Council on Environmental Quality (CEQ)
  - The Federal Environmental Executive (FEE)
  - Administrator for the Office of Federal Procurement Policy (OFPP)

Executive Order 13101 Provisions

- Establishes a White House Task Force
- Institutes an Agency Environmental Executive position within each agency, at the Assistant Secretary level, responsible for ensuring the implementation of this order

Executive Order 13101 Major Initiatives

- Prohibits the sale and purchase of printing and writing paper not containing a minimum of 30% postconsumer fiber
- Directs agencies to incorporate in their daily operation, methods to build markets for environmentally preferable products and services which can reduce pollution, save energy and materials, and create jobs

Executive Order 13101 Major Initiatives

- Addresses the need of the Federal Government to increase purchases of biobased products in order to develop markets for these items
- Mandates the evaluation of federal facility compliance with Section 6002 of the Resource Conservation and Recovery Act

Executive Order 13101 Major Initiatives

- Requires agencies to establish long-term goals both for waste prevention and recycling and for buying recycled and environmentally preferable products

Executive Order 13101 Micropurchases

- RCRA and EO 13101 apply to micropurchases
- You must buy recycled-content products when purchasing below $2,500
- There is no written justification needed for micropurchases

Executive Order 13101 Micropurchases

- Training and education are necessary in the micropurchase area
- E.O. 13101 requires agencies making micropurchases to provide guidance regarding purchasing of recycled-content products

Executive Order 13101 Acquisition Planning

The EO implements affirmative procurement program by requiring agencies to consider these factors in acquisition planning:

- Elimination of virgin material requirements
- Use of biobased products
- Use of recovered materials
- Product reuse and life cycle cost
- Recyclability
- Use of environmentally preferable products
- Waste prevention including toxicity reduction/elimination; and
- Ultimate disposal

Federal Acquisition Regulation (FAR)

- Environmental considerations now officially incorporated as of 6 June 2000
- Strengthens and enhances previous environmental language contained in the FAR
- Office of Federal Procurement Policy (OFPP) Letter 92-4, Procurement of Environmentally Sound and Energy Efficient Products and Services

FAR Part 23
Env. Considerations

- **Subchapter D, Part 23**- ENVIRONMENT CONSERVATION, OCCUPATIONAL SAFTEY, AND DRUG-FREE WORKPLACE
- **23.403 Policy**- Government policy on the use of recovered materials considers cost, availability of competition, and performance. The objective is to acquire competitively, in a cost-effective manner, products that meet reasonable performance requirements and that are composed of the highest percentage of recovered materials practicable.

FAR Part 23
Env. Considerations

- **23.703 Policy**- Government policy on the acquisition of environmentally preferable and energy efficient products and services. Promotes cost-effective waste reduction and consideration of biobased products.

FAR Part 7
Acquisition Planning

- **FAR Part 7** now contains strong language that emphasizes procurement of recycled-content and environmentally preferable products and services.
- **Part 7.103** Agency heads must ensure that agency planners specify needs for printing and writing paper consistent with the minimum content standards, and comply with the policy regarding procurement of products containing recovered materials, and environmentally preferable and energy-efficient products and services.

FAR Part 7
Acquisition Planning

- **Part 7.105(b)(16)** requires written acquisition plans to: “discuss all applicable environmental and energy conservation objectives associated with the acquisition…”

FAR Part 7
Acquisition Planning

- Be sure the entire acquisition planning team is aware of the FAR Part 7 requirements
- Some agencies have assigned one individual as an environmental advocate who is tasked with ensuring that environmental considerations are included in all procurement decisions

FAR Part 11
Describing Agency Needs

- The FAR now requires agencies to consider use of recovered materials, environmentally preferable purchasing criteria developed by EPA, and environmental objectives when developing specifications and standards describing government requirements and developing source selection factors.

FAR Part 11
Describing Agency Needs

- **Subpart 11.303** addresses the 30% post-consumer content standard for printing and writing paper established by E.O. 13101

FAR Part 12
Acq. Of Commercial Items

- **12.301(e)(3)**
  The contracting officer may use the provisions and clauses contained in Part 23 regarding the use of recovered material when appropriate for the item being acquired.

FAR Part 13
Acquisition Procedures

- **13.201 General**- The procurement requirements in RCRA and E.O. 13101 apply to purchases at or below the micropurchase threshold.

FAR Part 36
A-E Selection Criteria

- **FAR Part 36** covers selection of Architectural Engineer (A-E) firms for construction projects.
- **FAR 36.602-1** provides selection criteria for A-E firms, requiring specialized experience and technical competence in energy conservation, pollution prevention, waste reduction and the use of recovered materials as appropriate.

FAR Part 37 Performance-Based Contracts

- **FAR Part 37** provides that performance-based contracting is the preferred method for acquiring services except
  - Architect-engineer services
  - Construction
  - Utility services
  - Services that are incidental to supply purchases

FAR Part 37 Performance-Based Contracts

- Performance-based contracting was used successfully to incorporate green elements into the Pentagon renovations.

FAR Part 23
Env. Considerations

- **FAR 23.404(b)(3)** Agency affirmative procurement programs must require that 100% of purchases of EPA-designated products contain recovered material, unless the item cannot be acquired:

  -at a reasonable price, in a reasonable time, or to meet reasonable performance needs

Energy Considerations

- **December 18, 2001 -- Final FAR revisions to Subpart 23.2 – Energy and Water Efficiency and Renewable Energy**
- **Also revised Parts 11 and 15 to incorporate energy considerations and Part 42 to require ACOs to monitor contractor compliance**

FAR Part 23
Energy Considerations

- **New FAR 23.202** The Government's policy is to acquire supplies and services that promote energy and water efficiency, advance the use of renewable energy products, and help foster markets for emerging technologies. This policy extends to all acquisitions, including those below the simplified acquisition threshold.

FAR Part 23.2
Energy Considerations

- Energy- and water-efficient products and services
- Products that use renewable technology
- Energy-savings performance contracts

The “Vampires”

- E.O. 13221 directs agencies to purchase devices with minimal standby power – at or below one watt where available.
- DOE’s list of these “vampire” devices is available at

http://www.eren.doe.gov/femp/procurement

FAR Part 52
Contract Clauses

- **For affirmative procurement:**

  - FAR 52.223-4 Recovered Materials Certification

  - FAR 52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items

  (Use only on contracts exceeding $100,000.)

For pollution prevention in general:

- FAR 52.223-10 Waste Reduction Program

RCRA Section 6002

The Resource Conservation and Recovery Act (RCRA, 42 USC 6962) of 1976

- In section 6002, Congress provided a mechanism to increase government purchasing of recycled products.
- Designed to help stimulate markets for materials recovered from solid waste by using the government's purchasing power.

RCRA Requirements

Applies to all Federal agencies, and their agencies' contractors who use Federal appropriated funds to purchase the EPA designated products

What We Must Do

Once EPA designates a procurement item or product category, procuring agencies are required to comply within **one year of the date the addition to the Comprehensive Procurement Guidelines (CPG)** occurs, by purchasing the item with the highest recovered materials content level practicable

Affirmative Procurement Program

- An APP is an agency's strategy for maximizing its purchases of products designated by EPA.
- It is recommended that each procuring agency develop one overall APP identifying which designated products the agency purchases. When EPA designates additional products, agencies can simply revise the APP as appropriate.

Affirmative Procurement Program

- Agencies shall ensure that their affirmative procurement programs require 100% of their purchases of recycled-content products to meet or exceed the EPA guideline unless written justification (performance, price, availability) is provided.

Affirmative Procurement Program

- OFPP is required to report to Congress bienially on agencies' progress in buying recycled content products.
- The new reporting format uses FPDS data and focuses on auditing compliance rather than bean counting.

Status of EPA Buy-Recycled Program

To date, the EPA has designated

54 items in **8** categories.

CPG Product Categories

- Paper and Paper Products
- Vehicles
- Construction
- Transportation
- Parks and Recreation
- Landscaping
- Non-Paper Office Products
- Miscellaneous

Example Designation

Engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.

CPG List
Paper and Paper Products
Designated Items:

- Commercial/industrial sanitary tissue products
- Miscellaneous papers
- Newsprint
- Paperboard and packaging products
- Printing and writing papers

CPG List
Vehicles

Designated Items:

- Engine coolants
- Re-refined lubricating oils
- Retread tires

CPG List Construction

Designated Items:

- Building insulation
- Carpet
- Cement & concrete containing:
  - Coal fly ash
  - Ground granulated blast furnace slag
- Latex paint
- Floor tiles
- Carpet cushion
- Flowable fill
- Railroad grade crossings/surfaces
- Laminated paperboard
- Patio blocks
- Shower & restroom dividers/partitions
- Structural fiberboard

CPG List Transportation

Designated Items:

- Channelizers
- Delineators
- Flexible delineators
- Parking stops
- Traffic barricades
- Traffic cones

CPG List
Landscaping

Designated Items:

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Yard trimmings compost
- Food waste compost
- Landscaping timbers and posts (plastic lumber)

CPG List
Parks and Recreation

Designated Items:

- Plastic fencing
- Playground surfaces
- Running tracks
- Park and recreational furniture
- Playground equipment

CPG List
Non-Paper Office Products

Designated Items:

- Binders (paper, plastic covered)
- Office recycling containers
- Office waste receptacles
- Plastic desktop accessories
- Plastic envelopes
- Plastic trash bags
- Printer ribbons
- Toner cartridges
- Plastic binders (solid)
- Plastic clipboards
- Plastic clip portfolios
- Plastic file folders
- Plastic presentation folders

CPG List Miscellaneous

Designated Items:

- Pallets
- Sorbents
- Awards and plaques
- Industrial drums
- Mats
- Signage
- Strapping and stretch wrap

CPG
Web Site

FOR PRODUCT INFORMATION:

http://www.epa.gov/cpg

Environmentally Preferable

Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose

EPP Pilot Projects

- E.O. 13101 directs agencies to test the principles and concepts in EPA's guidance with pilot projects.
- There are 30 pilot projects underway or planned.
- Case studies are on EPA's EPP web site.
- The EPP program offers a training module on purchasing environmentally preferable products and services.
- EPP web site offers information on product sources.

http://www.epa.gov/opptintr/epp

Biobased Products

A commercial or industrial product (other than food or feed) that is composed in whole or in significant part, of biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials

Example: Citrus-based cleaners

2002 Farm Bill

Establishes a buy-bio program similar to the buy-recycled program:

- **USDA designates biobased products and recommends content levels**
- **Agencies establish affirmative procurement programs and purchase the USDA-designated products.**
- **Biennial reporting to Congress**

2002 Farm Bill

- One key difference is USDA is authorized to create a voluntary labeling program for biobased products.

Proposed Biobased Product Category List

- Adhesives
- Construction materials and composites
- Fibers, paper, and packaging
- Fuel additives
- Landscaping materials and compost
- Lubricants and functional fluids
- Plastics
- Paints and coatings
- Solvents and cleaners
- Sorbents
- Vegetable oil inks

Cost Comparison of Green Purchasing

- Truck Tires (Common Truck Tire Size, 11R22-5)

  $240 - $295

  Retread Truck Tires

  $89 - $110
- 10W30 Virgin Lube Oil (box)

  $10.81

  Re-refined Lube Oil (box)

  $10.67

Cost Comparison of Green Purchasing

- Military Spec Lubricating Oil, 15W40

  Virgin (drum) $211.08

  Re-refined (closed loop program) $167.02

- Copier paper (truckload prices)

  Virgin paper $4.08

  30% Postconsumer Paper $4.16

Cost Comparison of Green Purchasing

- Toner Cartridge (HP series 4 machines)

  $99.89

  Remanufactured Toner Cartridge (HP series 4)

  $52.00
- 3-Ring Binder (3” w/ clear cover)

  $9.16

  3-Ring, Recycled Content Binder (JWOD, 3” w/ clear cover)

  $4.46

Examples of Buying Green

- Mechanisms include:
  - Service contracts (NASA and DOI)
  - Statements of work (EPA Kansas City)
  - Acquisition planning (DoD parking lot)
  - Substitution policies
  - Requirements (double-sided copying)

General Services Administration (GSA)

- Highlights the products that have environmentally beneficial characteristics
- Uses recognizable environmental symbols in catalogs and on-line systems

Product Catalog Sources

General Services Administration (GSA) Environmental Programs

http://www.gsa.gov/Portal/content/offerings_content.jsp?contentOID=117609&contentType=1004

Defense Logistics Agency (DLA)

- DLA has hundreds of environmental products in its supply system ranging from citrus-based degreasers to natural conservation products.
- Green products furnished by DLA Category*:
  - Petroleum, oils, and lubricants
  - Remanufactured/recycled laser
  - Printer toner cartridges
  - Reusable batteries and battery accessories
  - Aircraft cleaning compounds
  - Recycled lumber products
  - Natural resource conservation products

* Partial listing

Product Catalog Sources

- Defense Logistics Agency (DLA) Catalogs
  - Environmentally Preferred Product Catalog
    - On the website below, or call 1-800-345-6333 or DSN 695-4865
  - Energy Efficient Lighting Catalog
    - On the website below, or call 1-800-DLA-BULB

http://www.dscr.dla.mil/catalogs/catalog.htm

- For specific DLA product information:

A detailed list of contact phone numbers is on their website

http://www.dscr.dla.mil/products/epa/htms/pocs.htm

Javits-Wagner-O'Day Program

- Green products furnished by JWOD*
  - File folders, clipboards that comply with EO 13101
  - Loose-leaf binders made from 100% recycled materials
  - Mailing and filing tubes made from 80% recycled materials
  - Environmentally preferable cleaners
  - Business cards printed on 30% postconsumer paper

* partial listing

Product Catalog Sources

Javits-Wagner-O'Day (JWOD) Catalog

- JWOD program creates jobs and training opportunities for people who are blind or who have other severe disabilities
- It is a mandatory source of supply for Federal employees
- Certain JWOD program items are also listed in the GSA Environmental Products catalog
- Contact information for JWOD program:
  - (703) 603-7740 fax (703) 603-0655. E-mail to **info@jwod.gov**
  - **http://www.jwod.gov** for the main page
  - **http://www.jwod.com** for the electronic catalog

Product Catalog Sources

UNICOR

- Trade name for Federal Prison Industries, Inc. part of the Federal Bureau of Prisons within DOJ
- Mandatory source of products for Federal agencies.
- Provides everything from computer furniture, circuit board assemblies, and computer demanufacturing to exterior signage, environmental testing, toner cartridges, textiles, printing and laundry services.

www.unicor.gov

phone: 800-827-3168

fax: 859-254-9692

Additional Websites

- Small Business Administration

  www.pro-net.sba.gov

- Biobased Products Information

  http://www.ars.usda.gov/bbcc/

U.S. EPA Websites

- Office of Solid Waste -- Reduce, Reuse, Recycle
  www.epa.gov/epaoswer/osw/rrr.htm
- Office of Solid Waste – Municipal Solid Waste Management
  www.epa.gov/epaoswer/non-hw/muncpl/index.htm
- Office of Solid Waste – Municipal Solid Waste Reduce, Reuse, Recycle
  www.epa.gov/epaoswer/non-hw/muncpl/reduce.htm

U.S. EPA Websites

- Office of Solid Waste – Source reduction page **www.epa.gov/epaoswer/non-hw/muncpl/sourcred.htm**
- Office of Solid Waste – Source reduction publications page **www.epa.gov/epaoswer/non-hw/muncpl/sourcpub.htm**
- Office of Solid Waste – Recycling page **www.epa.gov/epaoswer/non-hw/muncpl/recycle.htm#Process**
- Office of Solid Waste – Recycling publications page **www.epa.gov/epaoswer/non-hw/muncpl/recpubs.htm**

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